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Meets Monday and Friday nights at 8:30
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Information furnished by Otto Bur-
mester at WALL, NICHOLS CO., King
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VINDICATION IN SCHOOL MIX-UP

No Decision Yet, but Board Is
Upheld and Abilities of Mrs.
Scott Unquestioned.

At the conclusion of the argument in the suit brought against the Territory to recover the \$1500 claimed by Mrs. Nellie M. Scott, in the supreme court yesterday morning, the chief justice gave his oral opinions on the merits of the case which in substance amount to a vindication of the methods of the board of public instruction and also the character and qualifications of the plaintiff.

In some measure the remarks of the chief justice condemned the method in which M. F. Scott, husband and attorney of Mrs. Scott, presented the plaintiff's case. He outlined the course that would be pursued in a common law pleading and further stated he saw no reason why that procedure would not have covered the case in question thoroughly.

The case has been taken under advisement, but according to the chief justice, the supreme court will not, under the circumstances, deliberate upon what fault the board acted upon in making the transfer of Mrs. Scott from the Honolulu school, if there was a fault in so doing.

Chief Justice Hartwell said in substance, "Referring to the plaintiff's suggestion that the defendant had no right to refer to a committee the question of her removal, this is the only point worthy of consideration. As Justice Wilder suggested, the complaint appears to be brought for a wrongful dismissal—for wrongfully preventing the petitioner from doing the service. The common law pleading would be something like this, that the plaintiff, as defendant's request, agreed with defendant that she be head teacher at the Honolulu school in the county of Hawaii for one year at a salary of \$1500 payable monthly, and although she was ready and willing to perform the service the defendant wrongfully refused to allow her to do so, whereby she lost her salary and was deprived of an opportunity to earn the same. That is the way the common law pleader would put the case before the court. Unfortunately, to my way of thinking, we do not have enough common law pleading here."

"But if it was not the department that did this and it was done without authority by its committee, that is another matter. Whether the remedy then would be to bring some action at law I need not say—I do not see why the form of action I have mentioned would not cover such a case. We shall take the latter into consideration, but it must not be supposed that we shall review the action of the department and say whether it acted under a mistake or lack of information."

"However, in any way of looking at the matter, there is a question that has not been suggested, and that is, whether in any event, under Bartlett vs. Carriage Co., 13 Haw. 311, any more than nominal damages could be recovered. Under that decision, which is common law generally, one who is deprived of the opportunity to carry out an agreement for service has to make an effort to obtain service of a similar kind, and failing to make the effort, would be entitled to only nominal damages. I regret very much that this course was taken by the plaintiff and that this action was brought. It seems too bad that a teacher of long experience—twenty years—and, so far as I can judge, of fine qualifications, shown by the desire of the department to find another school for her, should be losing salary and that the Territory should lose the benefit of her services as a teacher. I am afraid she has not been well advised in taking this course."

LOCAL AGENCY.

From and after November 1, the business of the International Correspondence Schools in this Territory will be conducted by a representative of the company from the home office. An office has been secured at 931 Fort street, in the store occupied by the Office Supply Company. Information and supplies may be obtained there after November 1.

Sunbeam Stamps for your Christmas packages.

TRIBUTE TO WALTER G. SMITH

The Friend, in its October issue, pays the following tribute to the former editor of this paper:

The announcement that The Advertiser was to lose the services of Editor Walter G. Smith came to a very wide circle of Hawaii's best people with painful suddenness. It was known that he had not been well but that his doctors would advise his leaving the Islands was not anticipated. This community can ill spare him. Mr. Smith combines in a rare degree qualities seldom united in an editor of a daily journal and in addition has had experience which has fitted him eminently for his position of wide influence in this Territory. To an unusual command of virile English he unites a remarkable wit which can be genial and bubbling over with humor or biting and caustic as the case seems to him to demand. Large common sense, a sane and generous view of life, intimate knowledge of human nature and unimpeachable rectitude of conduct joined with complete independence of spirit give a tone to all he writes that is both unmistakable and remarkably attractive. In this day of editorial writers paid to produce copy that will voice not their own mind but the opinions of their employers it is very refreshing to find a daily like The Advertiser that tells out its editor's real convictions. Mr. Smith is also a true patriot. His love of country is not based on the maxim "My country right or wrong. Though The Friend has not

always seen details of politics his way, as for notable instance the question of ship subsidies which he believes wise policy and we consider fettering our Nation with one more heavy plutocratic chain, his integrity of conviction has ever been unquestionable. In local political life he has been our greatest single force for righteousness. Men have criticized him for striking sometimes too hard, at other times beside the mark, but, even granting that this may possibly be true, for all of us are human, his splendid championship of right causes has been on unending joy to noble souls. He has been a glorious truth teller. For Hawaii he has been especially valuable because of his intimate acquaintance with Eastern Asia. During the Russo-Japanese war his predictions were so accurate that Honolulu's news of the progress of events was far ahead of that of many, if not all, of the largest mainland cities. Bringing a sympathy with Eastern Asia unusual in an American editor's chair to bear upon all the problems that concern the relations of our Nation with China and Japan he has constituted an asset of great value in the creation of broad-minded and sane public opinion here in the mid-Pacific. The union of versatility, conscience, wit, wide information, public spirit, clear vision, uprightness and virility characteristic of Mr. Smith has won for him many warm friends. He carries with him the love of men who are unused to talking sentiment. We shall miss him and shall follow his future with deep interest.

REAL ESTATE TRANSACTIONS

Entered of Record October 26, 1909.
City Stables & Supply Co Ltd to Ella M James..... A L
Lillian Keamali et al to J Dominis Aimoku..... D
H F Lewis and wf to Frank C Enos D
Hawa Trust Co Ltd to Gem Theater..... Rel
Francisco Furtado to Hamakua Mill Co..... L
C Plumer and wife to Hamakua Mill Co..... L
James Knowles to Hamakua Mill Co..... L
Henry C Hapai and wf to Bank of Hawaii Ltd..... M
John H Estate Ltd to Oahu Railway & Land Co..... L
A S Cleghorn to Richard Ivers..... D
C B Reynolds and wf to Jane Mist. D
Madge Lewis to F E Thompson... PA

Recorded October 8, 1909.

J R Hornberger, Tr. to Manuel Vivichaves, D; int in lot 1, blk 14, Kapiolani Tract, Honolulu, Oahu; \$150. B 317, p 451. Dated Oct 7, 1909.

Keoki Koia and hsb (J) to Bessie Young, D; lot 24, blk 4, Kapiolani Tract, Honolulu, Oahu; R P (gr) 2033 and int in kul 5993, Pahoehe 1, etc, N Kona, Hawaii; \$1, etc. B 317, p 452. Dated Oct 7, 1909.

Mary K Kahalepuna and hsb (B N) to Mutual Bldg & Loan Socy of Haw Ltd, Addn Chge; por R P 310, kul 800, Pauoa, Honolulu, Oahu; P P 2126, kul 7691, Waihee, Koolanpoko, Oahu; \$200. B 324, p 156. Dated Oct 8, 1909.

Jno A Palmer and wf to Frank C Enos, D; lot 10, blk 36, Kaimuki Tract, Honolulu, Oahu; \$250. B 317, p 453. Dated Aug 18, 1909.

B R Banning by atty to Notice, Notice; appen for Reg Title of R P 7167, kul 981, ap 2, near cor Liliha and Vineyard sts, Honolulu, Oahu. B 331, p 29. Dated Oct 8, 1909.

J Alfred Magoon to Notice, Notice; appen for Reg Title of por gr 3376, Maunakea st, Honolulu, Oahu. B 331, p 30. Dated Oct 8, 1909.

B R Banning by atty to Notice, Notice; appen for Reg Title of R P 7746, ap 1 and por kul 2FL, Hauhaui, Honolulu, Oahu. B 331, p 31. Dated Oct 8, 1909.

Oahu Pineapple Co Ltd to First Am Sava & Tr Co of Haw Ltd, M; gr 5181 and por gr 5119, bldgs, pineapples, rents, etc, Pupuakea-Paunahu, Koolanpoko, Oahu; pineapples, livestock, machinery, vehicles implements, etc, of Oahu Pineapple Co Ltd; \$15,000. B 324, p 158. Dated Oct 8, 1909.

W O Smith to Albert Trask, Rel; lots 1, 2, 3, 4, 11, 12, 13, 15 and 16, blk 6, and lots 15, 16, 17, 18 and 19, blk 5, Kailani Tract, Honolulu, Oahu; \$1300. B 324, p 161. Dated Oct 8, 1909.

Western & Hawaiian Invst Co Ltd to Florence E Dove, Rel; pors grs 2050 and 2593, an 3, etc, Kalani and Dorch ave, Honolulu, Oahu. B 324, p 161. Dated Oct 8, 1909.

Frederika N McGuire and hsb (J W L) to John R Macaulay, D; gr 3465, bldgs, rents, etc, S slope Punchbowl Hill, Honolulu, Oahu; \$4500. B 317, p 462. Dated Oct 8, 1909.

John R Macaulay and wf to E K Bull, M; grs 3463 and 3465, bldgs, rents, etc, S slope Punchbowl Hill, Honolulu, Oahu; \$4500. B 324, p 162. Dated Oct 8, 1909.

Charles W Gray by atty to Thomas F Sedgewick, D; lot 3 of Archer Tract, cor King st and Peterson lane, Honolulu, Oahu; \$350. B 317, p 463. Dated Oct 7, 1909.

Bertha Wolter to P F Ryan, A M; mtg Annie K Murray et al on 6400 sq ft land, bldgs, etc, Kapalama, Honolulu, Oahu; \$211. B 324, p 165. Dated Oct 8, 1909.

Olaa Sugar Co Ltd to Manuel E Tavares, D; lot 14, 14-10a land, bldgs, etc, Olaa, Puna, Hawaii; \$1, etc. B 317, p 455. Dated Oct 7, 1909.

Olaa Sugar Co Ltd to Antone Victorine, D; lot 15, 113-100a land, bldgs, etc, Olaa, Puna, Hawaii; \$1, etc. B 317, p 457. Dated Oct 7, 1909.

Olaa Sugar Co Ltd to Frank Rodriguez, D; lot 21, 113-10a land, bldgs, etc, Olaa, Puna, Hawaii; \$1, etc. B 317, p 459. Dated Oct 7, 1909.

AS THE DEVIL SHUNS HOLY WATER

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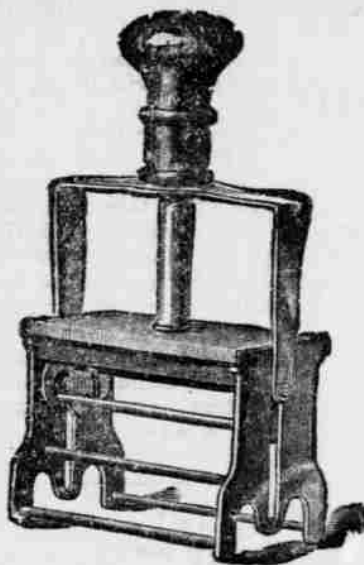
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Asti Wines Again in the Lead

Seattle, Wash., Sept. 21, 1909.

The official list of awards, just published by the Alaska-Yukon Exposition, shows that the ITALIAN-SWISS COLONY has received the highest award for their California Wines.

They have received the only Grand Prize awarded on California Sparkling Wines for their ASTI SPECIAL DRY, and, in addition to this, the ITALIAN-SWISS COLONY has also received twenty (20) Gold Medals for the following varieties: TIPO, red and white; Sparkling Burgundy, Burgundy, Chablis, Claret, Port, Zinfandel, Haut Sauterne, Muscat, Madeira, Riesling, Sauterne, Tokay, Cabernet, Sherry, Angelica; Grape Brandy; Isco Grape Juice, white; Isco Grape Juice, red.



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